

**CITY OF GLOUCESTER
CONSERVATION COMMISSION Minutes
WEDNESDAY, March 17, 2010 - 7:00 PM
CATA CONFERENCE ROOM - 3 POND ROAD
ROBERT GULLA, CHAIRMAN**

Members Present:

Robert Gulla, Chair

Ann Jo Jackson, Chair

John Feener, Commissioner

Charlie Anderson, Commissioner

Art Socolow, Commissioner

Steve Phillips, Commissioner

Barry Gradwoh, Commissioner

Lisa Press, Agent

Pauline Doody, Recording Clerk

Items on this agenda will not be heard before the time specified.

I. 1-5 minutes maximum, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

28-2041- 9 Rogers Street

Lisa Press updated the commission on 9 Roger St. She stated that there is a MEPA site walk on Monday at 2:30 and that the DMF will be there also. The planting plan was submitted and there were no concerns from DEP.

Motion: To approve

1st: Ann Jo Jackson

2nd: Arthur Socolow

Vote: All approved 6-0 Steve Phillip abstained

II. PUBLIC COMMENT- None

III MINUTES REVIEW

The commission will review minutes at the next meeting.

IV PUBLIC HEARING 7:15 PM

- A. New- 55 Two Penny Lane**, Request for Determination submitted by Standish Marks, for an after the fact deck expansion in ACEC and dune area. (Map 259, Lot 3).

Presenter: Did not attend

Commission Comments:

Lisa Press updated the commission on 2 Penny Lane. Ms. Press went to the site last fall for a COC, but could not issue it because the deck was larger than proposed. It was a 5' extension of the deck. It was going toward the driveway not toward the dune. It is an elevated deck. Ms. Jackson would like the applicant to plant some dune grass as a

consequence for doing work without approval. Mr. Gradwohl and Mr. Gulla concurred. Ms. Press will measure to determine how much planting should be done.

Public Comment: None

Conditions:

- **To plant dune grass to the equivalent to the square footage of the expansion of the deck. To be determined by Lisa Press. It is 1-1 mitigation.**

Motion: Negative Determination

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved 7-0

B. New- 28-2048- 7 Rackliffe St Notice of Intent submitted by Rockaway Condominium Trust, to remove and replace soil and landscaping materials (5,600 sf.) over underground garage roof, install waterproofing, replace underground water main and electrical service to same in a coastal resource area. (Map 129 lot 218).

Presenter: Kevin Chassy, Roof Management Consultants, 4 Charles View Road Hopedale, Mass.

Susan Viglione, 7 Rackliffe Unit #3, Ron Swanson 7 Rackliffe Unit # 5

Mr. Chassy showed pictures of the underground parking garage at 7 Rackliffe. He stated the soil depth on top of the garage is 18 " deep, and that the waterproof membrane has failed and water has been taken on in the garage.

The applicants want to:

- remove soil and will stock to the side
- install a new waterproofing membrane
- replace pool fence with black aluminum fence
- place two new spickets by pool
- some pavers will be pulled up
- tap into the water main on the street and bring towards the pool
- the electrical service line was severed and want to connect new line and retap into a new electrical box.

There are alternates to this plan if the budget allows. Mr. Chassy clarified that only half of the soil will be removed from the site. Half will stay. Eight inches of new soil will be trucked in.

Commission Comments:

Ms. Press asked where materials would be stockpiled. Mr. Chassy showed the location with pictures. He also stated that he would be using 2 rows of filter sock.

Mr. Gulla asked what the timetables were for the piles of material.

Mr. Chassy responded saying that will take 60 days once waterproofing passes the water test. Then it can be completed and hydro seeded.

Mr. Gradwohl asked if lawn sprinklers are in?

Mr. Chassy responded; yes

Mr. Gulla asked if there was a site plan and Ms. Press stated there was from Google Earth.

Ms. Jackson asked if tarp would be covering the soil that is stockpiled?

Mr. Chassy responded: yes

Mr. Feener asked if there was a dewatering and trenching plan?

Mr. Chassy was not familiar with this terminology and Mr. Gulla proceeded to explain what these plans are and how and why they are used and needed.

Mr. Feener wanted clarification regarding the soil depth from Mr. Chassy.

Mr. Chassy clarified that there will be a total of 16" of soil, 8" of new and 8" of old.

Mr. Gulla asked if there had been any erosion issues in the past?

Mr. Swanson stated that there haven't been any in the past 13 years.

Mr. Gulla stated that this is a very sensitive area and would like to see a filter sock along the edge of the whole project. He asked if there was a drawing in the file.

Mr. Chassy confirmed that there was.

Mr. Feener asked if could you seal it from below? He stated that if it cannot be done from below he would like to see it in writing by a licensed professional.

Mr. Gradwohl asked if it would be cheaper or better to haul all the soil away and then bring in new?

Mr. Chassy stated that the applicants want to limit that type of construction machinery in the area.

Mr. Gulla stated that during a rain event of any significance that Ms Press or Leslie is to make sure the soil is tarped.

Mr. Gradwohl asked how many truckloads will it take to take out the 8 " of soil?

Mr. Chassy stated he was not sure.

Mr. Feener asked if the project could reuse all the soil by using peat moss or manure to make it nutrient rich?

Mr. Chassy stated that he was not sure it would work and he felt it would be too much material.

Mr. Feener asked where the truck would be entering?

Mr. Chassy stated that a small bobcat would be brought in to move the material.

Mr. Feener suggested that the work should be done during a dry period so that there would be no sinking of the bobcat machinery. He also confirmed with Mr. Chassy how the filtration devices would be used and implemented.

Mr. Gulla suggested to the applicant to think about trucking material away daily.

Public Comment: None

Conditions:

- **Weekly site checks**
- **Document is part of file and siltration is part of that document.**
- **Care of stockpiling will be overseen by agent**
- **Soil to be tarped**
- **Work to be done in dry conditions**
- **Dewatering plan to be submitted**

Motion: To approve

1st: Barry Gradwohl
2nd: Ann Jo Jackson
Vote: All approved 7-0

- C. New- 6 Fortune Lane (1000B Washington St),** Notice of Intent submitted by Roseann & Marc Vidal, to construct a dwelling on an existing foundation, re-construct a shed, construct a driveway with associated grading, install utilities, re-locate septic system, erect a fence and landscaping in the buffer to coastal resource area. (Map 141 lot 21).

John Feener recused himself

Presenter: John Judd Gateway Consultants

Mr. Judd reviewed the project with the commission stating that it was located near Plum Cove Beach and the applicants want to reconstruct a house that was formerly on the property. There is an existing foundation on the site. It is less than 1 acre and abuts the cove. The utilities are in. The applicants would like to repoint an existing fieldstone retaining wall to stabilize it. The wall is located along the front of the house. There is erosion on the wall that is a safety issue. There are also stairs that lead down to the coastal bank.

They are proposing a driveway of crushed stone of approximately 1700 square feet and would like to put in a parking area (displayed location on the projector) recommended by John Feener. The site proposed will preserve trees in the area. There is also an existing shed that would be reconstructed. The applicants would like some time to create a planting plan.

Mr. Vidal stated they want to disturb the area as little as possible and that the drive is really a parking place for 2 cars.

Commission Comments:

Mr. Gradwohl asked if the sewer system would be relocated?

Mr. Judd stated that the tank is being relocated in the same general area. There is no leaching field as it is a step system.

Mr. Gulla asked if the design shows that no substantial trees will be removed?

Mr. Judd stated yes and it's what the applicants want.

Ms. Press stated there is a lot of concern with the vegetation on the part of the applicant. They are helping the site

Mr. Gulla stated that the applicants do have an argument for fixing the wall. They could potentially have issues if wall isn't fixed. He stated that he would like to have one site visit. He asked that corner stakes be put up for clarification of work to be done.

Mr. Judd stated that he would be able to see the stone foundation.

Ms. Press stated there haven't been any comment from DEP yet. She also stated that Dave Sargent should comment since they are doing the wall repair.

Ms. Jackson stated that she would like to see a planting plan.

Mr. Anderson asked what the mitigation for the driveway would be?

Mr. Judd stated that the planting plan would be available 1 week in advance and it will address the driveway and there will also be plantings for offset.

Public Comment:

Tom Gillette 10 Fortune Lane, Gloucester

Mr. Gillette stated he is the current owner of the land and that he has had a structural engineer look at the stone wall and deemed it as solid. He also stated that he would like to be informed of the site visit to give the commission more information.

Mr. Gulla stated that it was not necessary at this time, but his offer is appreciated.

Conditions:

- **Planting plan**
- **Mr. Gulla to have a site visit**
- **Shellfish to review**

Motion: To continue to April 7th @ 9:15

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote all 6-0

John Feener rejoined commission

D. Continuation- 28-2042- 41 Grapevine Road, Notice of Intent submitted by Laurel Feder, to construct a 2 story addition with foundation, a porch, patio and carport, replacement and expansion of the driveway and relocation of septic system in the buffer zone to a wetland area. (Map 83 lot 58) APPLICANT REQUESTS CONTINUATION TO APRIL 21, 2010.

Motion: To continue to April 21, @ 8:15

1st: Ann Jo Jackson

2nd: Arthur Socolow

Vote: All approved 7-0

PUBLIC HEARINGS 9:15 PM

A. New- 13 Prentiss Road, Request for Determination submitted by Debby Jenks, to construct an addition and relocate wiring in the buffer to a wetland area. (Map 136, Lot 48).

Presenter: Bill Manuel, Wetland and Land Management, Danvers, Mass.

Mr. Manuel reviewed the project stating that the applicants want to construct a covered porch off of the addition. It is 93' away from the wetlands. The porch will be contained and the area is already cleared. The porch will be 7' for one corner, approximately 50 square feet. It will be on sona tubes. He stated that they need 2-3 feet of space and may have to limb up the Cherry Tree in the foreground. (Showed pictures of site) He has filed a request for determination. He stated that new poles for wires would be needed. They are located in the wooded area. The work will be able to be done from the driveway and no trees will need to be removed. A silt fence will be staked in the back. The site is thickly vegetated.

Commission Comments:

Ms. Jackson asked if the sona tubes would be hand dug?

Mr. Manuel confirmed they would be.

Mr. Gulla stated he would like the dumpster to be pulled forward into the existing driveway away from the wetland.

Mr. Feener stated that the tree shown in the picture looks stressed out and suggested he take it out now as it is already dying. He stated that 1-2 trees to be planted in its place. He suggested 2 ½ caliper trees.

Mr. Manuel stated that size tree would cost too much for his client. The only area they may be able to plant is in the back because of the thick vegetation.

Mr. Gulla suggested that to allow the pruning to take place, the tree might die so maybe we should plant one tree, and then we are not at a loss if the tree does die. A 6' tree is a reasonable cost for the client.

Mr. Feener stated that a 1 ½" DBH is a 6' tall tree.

Mr. Manuel stated that he would rather trim the tree and save it.

Mr. Feener stated that invasive control should be part of mitigation: remove invasive species.

Mr. Manuel asked if the commission would require monitoring afterward? Will I be required to report back to you?

Ms. Press stated that the commission would have the right to ask for plantings to be replaced if they die.

Mr. Gulla stated that the commission would not require a monitoring plan, however if the agent is in area and see issues they will have to be addressed.

Public Comment: None

Conditions:

- **All work to be done out of buffer by bucket truck, auger work**
 - **Pruning of limb removal with planting of one 6' tree planted in back**
 - **Contact agent for trees that will be trimmed, or have a professional submit what will be removed**
 - **72 hour pre-start for limb to be looked at**
 - **Exact math for porch for mitigation. Mitigation plan of 2-1**
 - **Planting plan prior to next meeting**
 - **Sona tubes to be hand dug**
 - **Dumpster to be pulled back into existing driveway away from wetlands**

Motion: To continue to April 7th @ 7:05

1st: Arthur Socolow

2nd: Ann Jo Jackson

Vote: All approved 7-0

AGENT'S REPORT ON VIOLATIONS

33 Rockport Road

Lisa Press stated that 33 Rockport Road was assigned to Leslie. It is a violation continued from before. The Cape Ann Motor Inn has an unpermitted pipe and it was supposed to be removed; however it was hidden. It has recently reappeared after a rainstorm.

A letter was sent out and all items were encompassed. The owner was asked to attend the meeting.

The owner arrived to the meeting after 9:15 and stated that his maintenance man buried the pipe, capped it so no flow was coming out. Dune grass was planted along with Canadian Hemlock and Rosa Ragosa-both the Hemlock and Rosa Ragosa died.

Mr. Gulla stated that he feels like something is coming out of the pipe and is concerned it isn't capped. He would like to schedule a meeting to go to the site.

The owner stated that neighbors are walking around the area to get to the beach, even though signs are posted. He would like to replace the Hemlock with a 7' Blue Spruce. He stated at the recommendation of Mr. Feener to plant a Canadian Hemlock, but after talking to Mr. McKechnie at Wolf Hill it shouldn't have been planted in that area.

Mr. Feener stated that he did not specify any type of tree, just a planting plan to be implemented.

Mr. Gulla would like to meet at the site on Saturday 3:00pm

The owner stated that he is willing to do the necessary work for the site to be in compliance.

Ms. Press will prepare an enforcement order for the next meeting

AS TIME PERMITS:

COMMISSION BUSINESS

A. Requests for Letter Permits

- 55 Shore Road-

Ms. Press reviewed 55 Shore Road with the board stating that a 2nd story will be above a garage. The materials will be stockpiled in driveway and across street is the coastal bank. There is no excavation involved.

Mr. Feener asked if there would be a mulch sock for the area?

Mr. Gulla stated that in the future when doing any type of addition, it should be an RDA.

Mr. Feener stated that the water would drain toward a hole in the wall across the street into the coastal area. And suggested that a mulch sock to be placed along the bottom of the drive and for it to curve up 6 feet of the dumpster.

Conditions:

- **Mulch sock to be placed along bottom of drive and for it to curve up 6'**
- **Cover dumpster**

Motion: To approve

1st: Arthur Socolow

2nd: Charlie Anderson

Vote: All approved 7-0

- Shellfish Stock enhancement project
Seeding of shellfish beds

Motion: To approve

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: All approved 7-0

- City of Gloucester road repaving various locations
Frank Ventimiglia, City of Gloucester, Engineering

Mr. Ventigmiglia stated that all work being done is in paved areas.

Mr. Gulla asked if the city or gas company is doing work?

Mr. Ventigmiglia stated the city is doing the work.

Mr. Gulla asked if any of the catch basins drain into it?

Mr. Ventigmiglia stated he does not believe so.

Motion: To approve

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved 7-0

B. Requests for Certificates of Compliance

C. Requests for Extension Permits
28-1873 Harbor Loop

28-1800 44 Commercial St

Adam Costa, Attorney, Cove Harbor

Sandra Martyn 33 Commercial St

Ms. Press reviewed the enforcement order and violations with the commission. There is debris falling off of the building and it is migrating. She would like a date of June 30 for work to be done.

Mr. Gulla asked if Mac Bell has been asked about this issue.

Mr. Costa stated that Mr. Bell told Sandra that he thought the work would be done when the weather was warm.

Mr. Gulla stated that if it were not done by June 30 or the extension would be revoked.

Mr. Socolow asked what is the extension for?

Mr. Gulla stated that it was for a new building, however the commission wants the old violations to be cleaned up first.

Mr. Gulla asked how long do you want for the extension and why?

Mr. Costa stated 1 year from May 15 because of the economic conditions at the time and there is no tenant yet. My client needs more time.

Mr. Gulla stated that the commission has no way to access those conditions and we don't look favorably on financial issues.

Ms. Press suggests linking the 1 year extension and if work not done then it will be revoked.

Mr. Gulla stated that this would be last extension after that it will have to be refilled. Please tell the applicant.

Mr. Feener stated that by the next meeting he would like a narrative of how you will be removing the debris.

Ms. Jackson stated that if the cleanup is not done it must be a valid reason as far as commission sees. She would also like work to be done for concrete removal to be submitted in writing.

28-1881 18 Rouse Road
28-1861 1106 Washington St
28-1865 46 Leverett St

C. Correspondence and Other Commission Business as time permits

Purchase of laptop, projector and printer up to \$3000 funds

Motion: Given the regular and intensive need for access to functional and proprietary computer and data projection equipment the Conservation Commission authorizes the purchase of such equipment for its exclusive use within the dept for up to \$3000.

1st: Ann Jo Jackson

2nd: Arthur Socolow

Vote: All approved 7-0

Motion; To Adjourn

1st: Ann Jo Jackson

2nd: John Feener

Vote: All approved 7-0

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at mdemick@gloucester-ma.gov or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at www.gloucester-ma.gov Click Community Development for a link to Conservation.

Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail